

REMARKS

In the outstanding Office Action, the Examiner rejected claim 7 under 35 U.S.C. § 112, second paragraph; objected to claims 17-19; rejected claims 1, 2, 4, 6, 9, 10, 12, and 14 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,588,097 to Ono et al. (“Ono”); rejected claims 8, 16, and 19 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,588,098 to Chen et al. (“Chen”); and rejected claims 3, 5, 7, 11, 13, 15, 17, and 18 under 35 U.S.C. § 103(a) as being unpatentable over Ono.

By this amendment, Applicants have amended claims 1, 4, 6, 9, 12, 14, and 17-19, and have canceled claims 2, 3, 5, 7, 10, 11, 13, and 15. Claims 1, 4, 6, 8, 9, 12, 14, 15, and 16-19 remain pending in this application.

I. Rejection under 35 U.S.C. § 112, second paragraph

Regarding the Examiner’s rejection of claim 7 under 35 U.S.C. § 112, second paragraph, the Examiner states, “[t]here is insufficient antecedent basis for this limitation in the claim.” Although Applicants do not agree with the Examiner’s assertion that a lack of antecedent basis renders the claim indefinite, Applicants have canceled claim 7, therefore the rejection of claim 7 under 35 U.S.C. § 112, second paragraph is moot.

II. Claim objections

Regarding the objection to claims 17-19, the Examiner suggests amending the preamble to claims 17-19. In order to expedite prosecution, Applicants have amended the preamble of claims 17-19 as suggested by the Examiner. Support for the amendment may be found in the specification at, for example, pages 16-17. In light of the amendment to claims 17-19, Applicants respectfully request that the Examiner withdraw the objection to claims 17-19.

III. Rejections under 35 U.S.C. § 102(b)

Regarding the rejections of claims 1, 2, 4, 6, 8, 9, 10, 12, 14, 16, and 19 under 35 U.S.C. § 102(b), Applicants disagree with the Examiner's assertions and conclusions as set forth in the outstanding Office Action.¹ "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference ... [t]he identical invention must be shown in as complete detail as is contained in the . . . claim." M.P.E.P. § 2131 8th Ed. (Rev. 4), October, 2005 (internal citations omitted). Applicants note that the rejection of canceled claims 2 and 10 is moot. Moreover, because the references fail to teach each and every element recited in claims 1, 4, 6, 8, 9, 12, 14, 16, and 19, Applicants respectfully traverse this rejection.

A. Ono

Ono cannot anticipate at least claim 1, because Ono fails to teach a combination including at least "determin[ing] a rotating speed for the three-dimensional object on the basis of a distance between a coordinate detected by the coordinate detecting means and a central coordinate on the display screen," as recited in claim 1. Ono discloses:

mov[ing] the pen 7 from the start point P2 in the direction of the desired rotation and the specifies another point P3 on the spherical surface 22, so that the angle P₂P₁P₃ defines a rotation angle α about the axis OP1; (col. 5, lines 35-38)

then

the axial rotation angle α is calculated by the axial rotation angle calculation circuit ... [b]y repeating the above

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement of characterization in the Office Action.

operations, the user can rotate the object 21 in the desired direction (col. 5, lines 39-45).

Ono not only is silent to “determin[ing] a rotating speed,” as recited in claim 1, but also fails to teach or suggest determining speed, or any other property of the object 21 “on the basis of a distance between a coordinate … and a central coordinate,” as recited in claim 1 (emphasis added). Ono requires the input of at least three coordinates to rotate object 21 about the axis OP1. Accordingly, Ono fails to teach at least “determin[ing] a rotating speed for the three-dimensional object on the basis of a distance between a coordinate detected by the coordinate detecting means and a central coordinate on the display screen,” as recited in claim 1. Accordingly, claim 1 is allowable over Ono.

Claims 4, 6, 9, 12, and 14, although of different scope, recited features similar to those in claim 1, and are allowable at least for the reasons given above with respect to claim 1. For example: claims 4 and 12 recite a combination including “determin[ing] a rotating speed for the three-dimensional object on the basis of a distance between the coordinate detected by the coordinate detecting means and barycentric coordinate of the three-dimensional object”; claims 6 and 14 recite a combination including “determin[ing] a moving speed on the basis of a distance between the coordinate detected by the coordinate detecting means and a barycentric coordinate of the three-dimensional object”; and claim 9 recites a combination including “determin[ing] a rotating speed for the three-dimensional object on the basis of a distance between the coordinate detected by the coordinate detector and a central coordinate on the display screen.” Accordingly, claims 4, 6, 9, 12, and 14 are also allowable over Ono.

Applicants therefore respectfully request that the Examiner withdraw the rejection of claims 1, 4, 6, 9, 12, and 14 under 35 U.S.C. § 102(b).

B. Chen

Claims 8, 16, and 19 recite a combination including at least “detecting a coordinate defined on the display,” and “determining … whether the three-dimensional object is to be scaled down in a predetermined cycle on the basis of the coordinate detected” (emphasis added). Chen fails to teach at least these elements.

Chen discloses:

...two intersection points [are provided] in the plane [of] the bounding box and the object it contains are to be translated in: the original hitpoint that was stored in step 601 and the current hitpoint just now determined in step 607. Next the difference between these two hitpoints is calculated 609. This difference, which represents the amount of movement or translation the user has indicated via movement of the mouse pointer, is then transferred into scaled ... coordinates. (col. 14, lines 39-47) (emphasis added).

Chen thus teaches selecting a point, and moving a pointer to at least a second point, wherein the difference or ratio between the two points determines the scaling of the object. This cannot constitute a teaching of “detecting a coordinate defined on the display,” and “determining … whether the three-dimensional object is to be scaled down in a predetermined cycle on the basis of the coordinate detected,” as recited in claims 8, 16, and 19 (emphasis added). Claims 8, 16, and 19 are thus allowable over Chen.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 8, 16, and 19 under 35 U.S.C. § 102(b).

IV. Rejection under 35 U.S.C. § 103(a)

Applicants initially note that the rejection of canceled claims 3, 5, 7, 11, 13, and 15 under 35 U.S.C. § 103(a) is moot. Regarding the Examiner's rejection of claims 17 and 18 under 35 U.S.C. § 103(a), Applicants respectfully traverse this rejections on the ground that a *prima facie* case of obviousness has not been established. To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be met. First, the reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. See MPEP §2143.03, 8th Ed. (Rev. 3), August, 2005. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of the three requirements must "be found in the prior art, and not be based on applicant's disclosure." See MPEP § 2143, 8th Ed. (Rev. 3), August, 2005. The Examiner has failed to establish a *prima facie* case of obviousness because, at a minimum, Ono fails to teach or suggest each and every element of claims 17 and 18.

Similar to claim 1, claim 17 recites a combination including at least "determin[ing] a rotating speed for the three-dimensional object on the basis of a distance between a coordinate detected by the coordinate detecting means and a central coordinate on the display screen." As discussed above with respect to claim 1, Ono fails to teach at least this element.

At page 9 of the Office Action, the Examiner states, "Applicant defines the angle of rotation as the speed of rotation." Applicants disagree with the Examiner's statement. Claim 17 recites a combination where the rotating speed is determined "on the basis of

a distance between a coordinate ... and a central coordinate." This is further discussed in Applicants' specification at, for example, page 28. Accordingly, Applicants submit that the Examiner's statement fails to cure the above-noted deficiency of Ono, and that Ono fails to teach or suggest at least "determin[ing] a rotating speed for the three-dimensional object on the basis of a distance between a coordinate detected by the coordinate detecting means and a central coordinate on the display screen," as recited in claim 17 (emphasis added). Claim 17 is thus allowable over Ono.

Claim 18, although of different scope, recites similar features to those recited in claim 17, and is thus allowable for at least the reasons given above with respect to claims 17. For example, claim 18 recites a combination including at least "determin[ing] a moving speed on the basis of a distance between the coordinate detected by the coordinate detecting means and a barycentric coordinate of the three-dimensional object," which Ono fails to teach or suggest.

Because Ono fails to teach or suggest every element of claims 17 and 18, a *prima facie* case of obviousness has not been established. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 17 and 18 under 35 U.S.C. § 103(a).

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 
Darrell D. Kinder, Jr.
Reg. No. 57,460